

**MEMORANDUM**

DATE: November 27, 2012

TO: The Board of Supervisors

FROM: Ellen Cook, Senior Planner III

SUBJECT: Zoning Ordinance Transition

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This item is brought forward in conjunction with Case No. ZO-0007-2011, Cluster Overlay District, which was earlier on the Board's agenda. The Code of Virginia sets forth provisions for vesting of rights in relation to the amendment of zoning ordinances in Section 15.2-2307. The proposed transition resolution mirrors the provisions in the Code of Virginia, with a minor adjustment to Items 3b and 3c to reference master plans since these are customarily part of the rezoning and special use permit process in James City County. The purpose of the transition resolution is to codify the Code of Virginia provisions at the local level, thus making clear in a local ordinance the status of vested rights in relation to the changes in the Cluster Overlay District. This is particularly important for districts which relate to density and overall development patterns.

Developments which completely meet the criteria listed in the resolution would be vested under the old ordinances prior to the adoption of Case No. ZO-0007-2011, Cluster Overlay District. In the past the Commission and Board have followed this same procedure when significant updates to the Zoning Ordinance are adopted.

Recommendation

At its November 7, 2012, meeting the Planning Commission voted 6-0 to recommend approval of this item.

Staff recommends that the Board approve the attached transition resolution.

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Ellen Cook

CONCUR:

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Allen J. Murphy, Jr.

EC/nb  
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Attachment